

**In the United States Court of Federal Claims**  
**OFFICE OF SPECIAL MASTERS**

No. 08-857V

Filed: June 11, 2009

NOT TO BE PUBLISHED

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BRENNEN C. LEE,

Petitioner,

v.

SECRETARY OF THE DEPARTMENT  
OF HEALTH AND HUMAN SERVICES,

Respondent.

\*\*\*\*\*

*Rodney Kenneth Nelson, Abeyta-Nelson, P.C. Yakima, WA, for petitioner*

*Alexis B. Babcock, U.S. Department of Justice, Washington, D.C., for respondent*

**DECISION<sup>1</sup>**

**GOLKIEWICZ**, Chief Special Master.

Respondent filed Respondent's Proffer on Award of Compensation on June 10, 2009. Respondent's Proffer on Award of Compensation (hereinafter Respondent's Proffer), filed June 10, 2009. Respondent proffered that, based on the evidence of record, petitioner should be awarded \$130,000.00, to which petitioner agrees. Id. at 1. Respondent also proffered that petitioner should be awarded \$17,122.37 for attorney's fees and costs, to which petitioner agrees. Id.

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<sup>1</sup> Because this decision contains a reasoned explanation for the undersigned's action in this case, the undersigned intends to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the entire decision will be available to the public. Id.

After a complete review of the record, the court finds that petitioner, Brennen Lee, is entitled to compensation under the National Injury Compensation Program, 42 U.S.C. §300aa-10 et seq., as reflected in respondent's Proffer on Award of Compensation. See Respondent's Proffer. The court is convinced, based on its experience and information in the record, that this award shall provide reasonable compensation to cover Brennen Lee's vaccine-related expenses.

**Form of Compensation Award**

**Lump Sum:**

- (a) A lump sum payment of **\$130,000.00**, in the form of a check payable to petitioner, Brennen Lee.
- (b) A lump sum payment of **\$17,122.37** in the form of a check payable to petitioner and petitioner's attorney, Rodney Nelson, Esq., for attorney's fees and costs.

Based on the foregoing, this Court adopts the parties' Proffer and finds that petitioner is entitled to an award of compensation in the form of the lump sum payments described above. The Clerk of the Court is directed to enter judgment according to this decision.<sup>2</sup>

**IT IS SO ORDERED.**

s/ Gary J. Golkiewicz  
Gary J. Golkiewicz  
Chief Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a U.S. Court of Federal Claims Judge.